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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00118 BMK
)	
Plaintiff,)	MOTION FOR EARLY
)	TERMINATION OF PROBATION
vs.)	PURSUANT TO 18 U.S.C. §
)	3564(C); EXHIBIT A;
JOSUE Y. RAMIREZ,)	DECLARATION OF COUNSEL;
)	CERTIFICATE OF SERVICE
Defendant.)	
_____)	

**MOTION FOR EARLY TERMINATION
OF PROBATION PURSUANT TO 18 U.S.C. SEC. 3564(c)**

COMES NOW the defendant, Josue Y. Ramirez, through counsel,
Donna M. Gray, Assistant Federal Defender, and moves this Honorable Court for
an order terminating his 24-month term of probation which was imposed on

September 29, 2005. As a condition of his probation, Mr. Ramirez was order to pay \$600 in restitution to the State of Hawaii, and to perform 100 hours of community service. Mr. Ramirez has successfully completed both payment of the restitution and performance of the community service conditions.

Pursuant to 18 U.S.C. § 3564(c), this Court has the authority to terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor. This case is a misdemeanor.

In deciding whether to grant early termination, the Court considers the factors set forth in § 3553(a), to the extent they are applicable. That statute states in relevant part that “[t]he court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2).” Paragraph (2) list the following factors:

- (1) The nature and circumstances of the offense and the history and characteristics of the defendant;

- (2) The need for the sentence imposed to:

- (A) Reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

- (B) To afford adequate deterrence to criminal conduct;

(C) To protect the public from further crimes of the defendant;
and,

(D) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

and,

(7) The need to provide restitution to any victims of the offense.

Mr. Ramirez has now successfully completed the special conditions of his two-year probation term. His two-year term is due to expire on September 29, 2007, approximately six months from now. Mr. Ramirez is the single-parent of an emotionally handicapped daughter. He works full time and has worked full time all of his adult life.

He presently has been offered an opportunity by his employer, Information Systems Support, Inc., to advance to a position offering more responsibility at a higher salary. Mr. Ramirez is presently a travel coordinator. The responsibilities of the new position include a requirement that he be available for travel abroad to the Asia Pacific Region on short notice. The travel would be in connection with systems support services to the Pandemic Influenza workshops funded by Overseas Humanitarian, Disaster and Civic Aid.

Thus, based upon this opportunity for advancement, Mr. Ramirez is respectfully requesting that his 24-month term of probation be terminated in order to allow him to travel to foreign countries on short notice without having to first obtain permission from either the Court or the Probation Office.

DATED: Honolulu, Hawaii, March 23, 2007.

/s/ Donna M. Gray
DONNA M. GRAY
Attorney for Defendant
JOSUE Y. RAMIREZ

CERTIFICATE OF SERVICE

I, CHRISTINA FULLER, hereby certifies that on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at the last known address on March 22, 2007:

TRACY A. HINO

[Electronic CM/ECF]

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UNITED STATES OF AMERICA

MARTIN ROMUALDEZ

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/s/ Christina Fuller

CHRISTINA FULLER

Legal Secretary to
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